

NEW APPLICATION TRANSMITTAL

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on *October 24, 2003*, under "EXPRESS MAIL" mailing label number EL 989118484 US.


Gina M. Husak

22387 U.S. PTO
10/692520

Transmitted herewith for filing is the patent application of:

Inventor 1: Martin DIAMOND
Address: Box 750 Chaphe Hill Road
Erieville, NY 13061

Title: CROSS-TIE FOR RAILROAD RAIL ASSEMBLY AND METHOD OF
MANUFACTURING THE SAME

1. Type of Application

This is a request for filing a **CONTINUATION-IN-PART APPLICATION** under 37 C.F.R. §1.53(b), of pending prior application International Application No. PCT/US02/12919 having an international filing date of *April 24, 2002*, entitled **CROSS-TIE FOR RAILROAD RAIL ASSEMBLY AND METHOD OF MANUFACTURING THE SAME**, which designated the United States.

2. Papers enclosed

A. Required for filing date under 37 CFR 1.53(b) (Regular) are:

- 13 Page(s) of Specification
- 2 Page(s) of Claims
- 1 Page(s) of Abstract
- 3 Sheets of Formal Drawings (Figs. 1-8)

B. Other Papers Enclosed

- ☒ A Patent Application Bibliographic Data
- ☒ A combined Declaration and Power of Attorney
- ☒ An Assignment Transmittal and Assignment of the invention to:

ARE Technologies of Central New York, Inc.
3211 Route 20 East
Cazenovia, New York 13065

- ☒ An Information Disclosure Statement
- ☒ PTO Form-1449

3. The correspondence address for this application is: Customer No. 025191
Telephone: (315) 233-8300 Electronic Mail: lvanantwerp@burrandbrown.com
Facsimile: (315) 233-8320

4. Relate Back

A. 35 U.S.C. 119(e)

☒ Priority of provisional application Serial No. 60/288,177, filed May 2, 2001, is hereby claimed under 35 U.S.C. §119(e).

B. 35 U.S.C. 120, 121 and 365(c)

☒ Priority of said prior application(s) is hereby claimed under 35 U.S.C. §120 as follows:

<u>Application Number</u>	<u>Filing Date</u>	<u>Relationship</u>
PCT/US02/12919	April 24, 2002	Parent

5. Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i)

☐ Applicants hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

☐ Applicants hereby request that the attached application **not** be published under 35 U.S.C. 122(b).

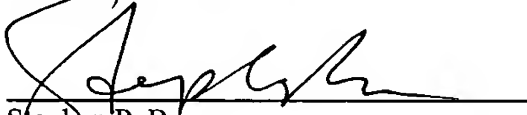
6. The filing fee has been calculated as shown below:

Basic Filing fee (37 CFR §1.16(a))				\$ 770.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims	1 - 20 =	1	× \$ 18.00	\$ 0.00
Independent Claims	1 - 3 =	0	× \$ 86.00	\$ 0.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$280.00	\$.00
Surcharge fees (37 C.F.R. 1.16(e)--\$130.00)				
<input type="checkbox"/> late payment of filing fee <i>and/or</i>				\$.00
<input type="checkbox"/> late filing of original declaration or oath (37 C.F.R. 1.16(e)--\$130.00)				
TOTAL OF ABOVE CALCULATIONS =				\$ 770.00
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$ 335.00
SUBTOTAL =				\$ 335.00
<input type="checkbox"/> Fee for processing an application filed with a specification in a non-English language (37 C.F.R. 1.17(i) and 1.52(d)--\$130.00)				\$.00
<input checked="" type="checkbox"/> Assignment Fee (37 CFR §1.21(h)--\$40.00)				\$ 40.00
TOTAL FEES DUE =				\$ 375.00

**7. Payment of Fees and Authorization to Charge Additional Fees
or Credit Overpayment**

- ☒ A check in the amount of \$375.00 is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446. A duplicate copy of this sheet is enclosed.
- ☒ Any additional filing fees required under 37 CFR 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,



Stephen P. Burr
Reg. No. 32,970

October 24, 2003

Date

SPB/gmh

BURR & BROWN
P.O. Box 7068
Syracuse, NY 13261-7068

Customer No.: 025191
Telephone: (315) 233-8300
Facsimile: (315) 233-8320